

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4075

IN THE MATTER OF:

Served March 29, 1993

Application of D. JENKINS BUS )  
SERVICE INC., for a )  
Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-93-11

By application filed March 24, 1993, D. Jenkins Bus Service Inc. (Jenkins or applicant), a District of Columbia corporation, seeks a certificate of authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Jenkins's application includes information regarding, among other things, its corporate status, equipment, facilities, safety fitness, proposed tariff, finances, and regulatory compliance record. The application is available for inspection at the office of the Commission during its regular business hours.

Applicant's proposed tariff contains group charter rates and special operations rates for Medicaid and non-Medicaid transportation. Jenkins proposes to commence operations with five vans, having seating capacities ranging from 12 to 15 persons. Jenkins plans to lease the vans from its commonly-owned affiliate, Jenkins Transportation Service, Inc. (JTS), which holds Certificate of Authority No. 44. JTS currently uses these vehicles to perform the service that Jenkins proposes. Apparently, JTS will discontinue providing this service in these vans as soon as Jenkins commences operations. Of course, if this application is approved, each carrier will be required to comply with Commission Regulation No. 62 and otherwise keep its assets, books and operations completely separate from the other.<sup>1</sup>

The standard for granting approval of common control under the Compact, Title II, Article XII, Section 3, is consistency with the public interest. In determining whether to grant or deny an application for a certificate of authority, the Compact at Title II, Article XI, Section 7 requires that the Commission determine whether an applicant is fit, willing, and able to perform the transportation properly and conform to the provisions of the Compact and the Commission's rules, regulations, and requirements and whether the transportation is consistent with the public interest. Pursuant to Commission Rule No. 6, this order and fulfillment of its requirements will provide notice of Jenkins's application for a certificate of authority.

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<sup>1</sup> In re RDM Enters., Inc., No. AP-91-18, Order No. 3801 (Aug. 6, 1991).

THEREFORE, IT IS ORDERED:

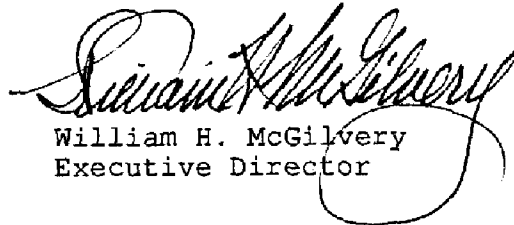
1. That D. Jenkins Bus Service Inc. shall publish once in a newspaper of general circulation in the Metropolitan District, no later than Monday, April 12, 1993, notice in the form prescribed by the staff of the Commission.

2. That D. Jenkins Bus Service Inc. shall file with the Commission, no later than Monday, May 3, 1993, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That any person wanting to protest the application, in accordance with Commission Rule No. 13 and Regulation No. 54-04(a), or comment on the application, in accordance with Regulation No. 54-04(a), shall file such protest or comment at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Monday, May 3, 1993, and shall simultaneously serve a copy of such protest or comment on applicant's attorney, Vernon A. Williams, Esquire, 2041 Martin Luther King Jr. Avenue, S.E., Suite M-1, Washington, DC 20020.

4. That any person seeking a formal oral hearing on this matter, in accordance with Commission Regulation No. 54-04(b), shall request one no later than Monday, May 3, 1993, and shall simultaneously serve a copy of such request on applicant's attorney, Vernon A. Williams, Esquire, 2041 Martin Luther King Jr. Avenue, S.E., Suite M-1, Washington, DC 20020.

FOR THE COMMISSION:



William H. McGilvery  
Executive Director